



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

August 22, 2018

In Reply Refer To: 001B
FOIA Request: 18-09149-F

Mr. Jasper Craven
MuckRock News
DEPT MR 54630
411A Highland Ave
Somerville, MA 02144-2516
55929-69118999@requests.muckrock.com; jclarkcraven@gmail.com

Dear Mr. Craven:

This is the Second Agency Decision to your Freedom of Information Act (FOIA) request to the Office of the Secretary, Department of Veterans Affairs (OSVA) dated and received June 11, 2018, and assigned FOIA tracking number **18-09149-F**. You seek all OSVA email communications between officials at the Independence Funding including "Shoe Bob" Bobby Carey, the Chief Advocacy Officer and the following VA officials: Casin Spero, Darin Selnick, David Shulkin, Thomas Bowman, Peter O'Rourke, between 1/20/2017-present.

To clarify, the OIT (**18-08721-F**), OPIA (**18-09148-F**), and OAWP (**18-09150-F**) FOIA offices are processing your FOIA requests for similar records located within their respective offices.

June 22, 2018, August 2, 2018, and August 21, 2018 Reasonable Searches

On June 22, 2018 (our search cut-off date), and August 2, 2018, the OSVA FOIA Officer searched through the email boxes of former VA Secretary David Shulkin, former VA Acting Secretary Peter O'Rourke, former VA Senior Advisor Darin Selnick, former VA Deputy Secretary Thomas Bowman, and White House Liaison Casin Spero for emails with @independencefund.org. We used the search date timeframe of January 20, 2017, to May 3, 2018. This search yielded ninety-nine (99) pages of responsive emails and attachments.

On August 21, 2018, the OSVA FOIA Officer searched through the email boxes of former VA Acting Secretary Peter O'Rourke, former VA Deputy Secretary Thomas Bowman, and White House Liaison Casin Spero for emails with @independencefund.org. We used the search date timeframe of May 4, 2018, to June 22, 2018. This search yielded eleven (11) pages of responsive emails and attachments.

Second Agency Decision

After reviewing eleven (11) pages, OSVA redacts some information with FOIA Exemption 6. 5 U.S.C. § 552(b)(6) exempts from required disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." "Withholding a telephone number or e-mail address, alone, is not sufficient to protect that [privacy] interest; alternate means of contacting and harassing these employees would be readily discoverable on the Internet if this court ordered their names disclosed." Long v. Immigration & Customs Enft., 2017 U.S. Dist. LEXIS 160719 (D.C. Cir. 2017). Information withheld consists of names, identifies, phone numbers, email addresses of private citizens and federal employees; VA does not redact names and email address of VA Senior Executives.

Disclosure could expose employees to forgery, fraud, identity theft, and harassment. The redacted information reveals nothing about how the agencies perform their statutory duties. VA did not redact personal information in publicly released documents.

August 3, 2018 Initial Agency Decision

On August 3, 2018, after reviewing ninety-nine (99) pages, OSVA redacted some information with FOIA Exemption 6.

FOIA Mediation

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

VA Central Office FOIA Public Liaison:

Name: John Buck

Email Address: vacofoiaservice@va.gov

Office of Government Information Services (OGIS)

Email Address: ogis@nara.gov

Fax: 202-741-5769

Mailing address:

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

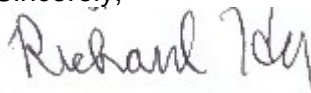
FOIA Appeal

This concludes OSVA's response to request **18-09149-F**. Please be advised that should you desire to do so, you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,



Richard Ha, JD, CIPP/G
OSVA FOIA/Privacy Officer

Attachment – eleven (11) redacted pages